

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KVACH JARWANG,)	
)	
Petitioner,)	8:17CV336
)	
v.)	
)	
IMMIGRATION CUSTOMS)	MEMORANDUM
ENFORCEMENT,)	AND ORDER
)	
Respondent.)	
_____)	

Petitioner, apparently a refugee from South Sudan, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 contesting his detention at the Douglas County, Nebraska, jail. I now conduct an initial review. *See* [Rule 1\(b\)](#) of the Rules Governing Section 2254 Cases in the United States District Courts (applying [Rule 4](#) of those rules to a section 2241 petition).

Petitioner says he has been (for at least part of the time) in the Omaha jail since he was released from a California penitentiary on December 19, 2016, to the custody of ICE. He claims he has not been accorded an individualized bail hearing by ICE. This period of detention with no such review, if true, is long enough to trigger a careful review on my part. *See, e.g., Jarpa v. Mumford*, 211 F. Supp. 3d 706, 708 (D. Md. 2016) (continued prolonged detention of alien, a citizen of Liberia, under mandatory detention statute for having criminal conviction, for nearly 11 months without individualized bail hearing and with no endpoint in sight was unreasonable under the Fifth Amendment’s Due Process clause, such that alien was entitled to habeas relief of bail hearing) (collecting cases).

IT IS ORDERED that:

1. Respondent shall answer or otherwise file a responsive pleading, together with a brief and evidence index if desired, on or before October 20, 2017.
2. The Clerk of the Court shall mail a copy, via certified mail, of this Memorandum and Order together with a copy of the petition to the Attorney General of the United States in Washington, D.C. and to the Secretary of Homeland Security in Washington, D.C.
3. The Clerk of the Court shall mail a copy of this Memorandum and Order, together with a copy of the petition, to the Acting United States Attorney for the District of Nebraska at the Lincoln, Nebraska, office. Regular United States mail is sufficient.
4. The Clerk of the Court shall provide CM/ECF notice to AUSA Robert Homan of the entry of this Memorandum and Order.

Dated this 20th day of September, 2017.

BY THE COURT:

s/Richard G. Kopf
Senior United States District Judge